IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7183 OF 2005

M/s.Perfect Trading Co. ... Petitioner.

V/s.

The Union of India and others. ... Respondents.

S.N.Kantawala i/b. Ravi Hirani
for the petitioner.

H.V.Mehta with Kiran Kondipile
for the respondents.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 19th October 2005.

P.C. :

. Heard.

. Rule returnable forthwith by consent of the parties.

2. This petition is directed against the order of the Settlement Commission dated 26th July, 2005, wherein the Settlement Commission relied upon judgment of the Madras High Court in the case of **Commissioner of Customs (Air) Chennai vs. Customs and Central Excise Settlement Commission,** reported in 2002 (139) ELT 512 (Mad) and came to the conclusion that the Commission has no jurisdiction to adjudicate upon the application made by the petitioner-applicant.

3. This Court, in similar facts of the case, in Writ Petition No.115 of 2004 with other petitions, had occasion to consider the issue of jurisdiction of the Settlement Commission and decide the same in the light of the law laid down by the Madras High Court. The Division Bench of this Court did not agree with the view taken by the Madras High Court and was pleased to hold that the Settlement Commission has jurisdiction to deal with the matters for the reasons recorded in the said judgment. In view of the judgment of the Division Bench referred to hereinabove, both the parties agreed that the impugned order of the Settlement Commission is liable to be quashed and set aside and matter is liable to be remitted back to the Settlement Commission for decision in accordance with law. We hope that the Settlement Commission shall decide the matter as expeditiously as possible, at any rate, within four months from the date of receipt of this order.

4. In the result, petition stands disposed of in terms of this order. Rule is partly made absolute with no order as to costs.

(J.P.DEVADHAR,J.) **(V.C.DAGA,J.)**